

**Merchant & Gould**

An Intellectual Property Law Firm

RECEIVED  
CENTRAL FAX CENTER

SEP 22 2005

3200 IDS Center  
80 South Eighth Street  
Minneapolis, Minnesota  
55402-2215 USA  
TEL 612.332.5300  
FAX 612.332.9081  
www.merchant-gould.com

A Professional Corporation

Fax Transmission | September 22, 2005

TO: Commissioner for Patents  
Patent Examining Corps  
Facsimile Center  
Alexandria, VA 22313.1450FROM: Robert A. Kalinsky  
OUR REF: 12929.1072USC1  
TELEPHONE: 612.336.4771

USPTO Centralized Facsimile No.: (571) 273-8300

Total pages, including cover letter: 5.

If you do NOT receive all of the pages, please telephone us at 612.336.4771, or fax us at 612.332.9081.

Title of Document Transmitted: 1. Amendment and Response.

Applicant: Bachinski et al.  
Serial No.: 10/687,497  
Filed: October 15, 2003  
Group Art Unit: 3749Our Ref. No.: 12929.1072USC1  
Confirmation No.: 9051  
Customer No.: 23552

Please charge any fees or credit any overpayment to our Deposit Account No. 13-2725. Please consider this a Petition for Extension of Time for the sufficient number of months to enter these papers.

By:

Name: Robert A. Kalinsky

Reg. No.: 50,471

RAK:pll

I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office on the date shown below.

Signature (Robert A. Kalinsky)

September 22, 2005

Date

RECEIVED  
CENTRAL FAX CENTER

SEP 22 2005

S/N 10/687,497

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Bachinski et al.	Examiner:	Alfred Basicas
Serial No.:	10/687,497	Group Art Unit:	3749
Filed:	October 15, 2003	Docket No.:	12929.1072USC1
Customer No.:	23552	Confirmation No.:	9051
Title:	Proximity Warning System for a Fireplace		

**CERTIFICATE UNDER 37 CFR 1.6(d)**

I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office on September 22, 2005.

By: 

Name: Robert A. Kalinsky

**RESPONSE**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the non-final Office Action mailed on June 24, 2005, please consider and enter the following remarks. Claims 24-28, 31-37, and 39 remain pending in the application.

Remarks begin at page 2 of this paper.